

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$67,697 IN U.S. CURRENCY, AND ANY  
ACCRUED INTEREST,

Defendant.

and

CESAR CLEMENTE,

Claimant.

NO. CV21-1198-RSM

**SETTLEMENT AGREEMENT AND  
FINAL ORDER OF FORFEITURE**

WHEREAS Plaintiff United States of America, by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, and Krista K. Bush, Assistant United States Attorney, and Claimant Cesar Clemente (hereinafter “Claimant”), by and through his counsel, Jeffrey L. Kradel, wish to resolve this matter without additional utilization of judicial resources and without incurring further litigation expenses,

//

1 IT IS HEREBY STIPULATED as follows:

2 On April 7, 2021, law enforcement agents executed a valid search warrant for a  
3 residence associated with Claimant at 12120 SE 186th Street, Renton, Washington  
4 (“Claimant’s residence”). Agents seized, *inter alia*, \$67,697 in United States currency;  
5 over 100 kilograms of marijuana; materials used to process marijuana; and, a ledger  
6 containing marijuana types, quantities, and pricing from the Claimant’s residence. Agents  
7 also seized nine firearms, with associated magazines and ammunition, which are subject  
8 to forfeiture in a related criminal case, *United States v. Cesar Ysmael Clemente*, CR21-  
9 063 (the “Related Case”), and are not at issue in this civil case.

10 On September 2, 2021, the United States commenced this action by filing a  
11 Verified Complaint for Forfeiture in Rem, seeking forfeiture of the \$67,697 in  
12 United States currency seized from Claimant’s residence on April 7, 2021, and any  
13 accrued interest, (the “Defendant Currency”) pursuant to 21 U.S.C. § 881(a)(6), for  
14 alleged violations of 21 U.S.C. §§ 841(a)(1) and 846. Dkt. No. 1. The United States  
15 provided notice of the Verified Complaint to four potential claimants. Dkt. No. 2.

16 On September 24, 2021, Claimant timely filed a claim to the Defendant Currency  
17 through his attorney of record, Jeffrey Kradel. Dkt. No. 4. No other parties have asserted  
18 a claim to the Subject Property.

19 On October 7, 2021, the United States filed a Notice of Related Case, providing  
20 notice that this civil forfeiture action is related to an active criminal investigation and  
21 cases against alleged members of the drug trafficking organization, including the Related  
22 Case. Dkt. No. 7.

23 On October 13, 2021, the matter was reassigned to this court. Dkt. No. 8.

24 On November 10, 2021, the Court granted the Claimant’s unopposed Motion to  
25 Stay Civil Case until the conclusion of the related criminal investigation. Dkt. Nos. 9-11.  
26 The Order provided that persons and entities to whom the United States provided direct  
27 notice of this proceeding on or about September 2, 2021, shall have an additional 35

1 days, from the date the Court lifts the stay, to file a claim in this proceeding. Dkt. No. 11.  
2 The Order also directed the Parties to file a Joint Status Report by May 10, 2022, in the  
3 event this civil forfeiture case is still stayed. Dkt. No. 11.

4 On April 27, 2022, the Parties filed a Joint Status Report stating that an updated  
5 Joint Status Report would be filed within six months. Dkt. No. 12. The Parties filed a  
6 Second Joint Status Report on October 24, 2022. Dkt. No. 13.

7 The Court granted the Parties' joint motion to lift the stay on November 18, 2022.  
8 Dkt. No. 15. On November 21, 2022, the United States provided notice to the four  
9 potential claimants that the Court had lifted the stay and extended the deadline to file  
10 claims to December 23, 2022.

11 All persons and entities believed to have an interest in the Defendant Property  
12 were given proper notice of the intended forfeiture when this civil forfeiture action was  
13 filed and were given proper notice when the stay was lifted. No claimants, other than  
14 Cesar Clemente, have come forward to assert an interest in the Defendant Currency.

15  
16 NOW THEREFORE, this SETTLEMENT AGREEMENT is entered into  
17 between the parties pursuant to the following terms:

18 1. The parties acknowledge that this Settlement Agreement is made as a  
19 compromise of a disputed claim without adjudication of any issue of fact or law. The  
20 parties further acknowledge and agree that this settlement shall not be deemed to  
21 constitute an admission by Claimant of fault, liability, or wrongdoing as to any facts or  
22 claims alleged or asserted in the Verified Complaint for Forfeiture and shall not be  
23 construed to create rights in, or grant any cause of action to, any third party not covered  
24 by this Settlement Agreement.

25 2. The United States agrees to dismiss from this action and return to Claimant  
26 \$20,000 of the Defendant Currency.

27 //

3. Claimant recognizes that the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3716, which is administered by the Treasury Offset Program (“TOP”), requires the United States Treasury to offset federal payments to collect certain delinquent debts owed to the United States by a payee. Claimant recognizes, therefore, that the currency identified in paragraph 2 for return to him may be reduced by the amount of any delinquent debt TOP is required to collect.

4. Claimant agrees to withdraw his claim to, and consents to the forfeiture of, the remaining \$47,997 in United States currency, and any accrued interest.

5. Claimant’s withdrawal of his claim to, and his consent to forfeiture of, the remaining \$47,997 in United States Currency, and any accrued interest, shall be in full and complete settlement and satisfaction of all civil forfeiture issues relating to the property seized from Claimant’s residence on April 7, 2021.

6. Claimant waives any and all right to reimbursement by the United States of attorney fees and/or litigation costs in connection with this action pursuant to 28 U.S.C. § 2465 or any other statute. The Parties agree that, pursuant to the terms of this Settlement Agreement, neither Claimant nor the United States is a “prevailing party” for the purpose of seeking additional attorney fees and/or costs pursuant to statute, case law, or agreement, or on any other compensation. Each party to this Settlement Agreement is to bear its own costs and attorneys’ fees.

7. Claimant agrees to release and hold harmless the United States, its agents, servants, and employees (and any involved state or local law enforcement agencies and their agents, servants, or employees), in their individual or official capacities, from any and all claims Claimant, or his representatives or agents, may possess, or that may arise, as a result of the seizure of the above-identified property and the subsequent forfeiture proceeding, including any claims for interest or attorney’s fees.

8. The Parties agree this Settlement Agreement is subject to review and approval by the Court, as provided in the proposed Order submitted below.

1           9.       Upon entry of this Settlement Agreement and Final Order of Forfeiture, this  
2 action shall be DISMISSED WITH PREJUDICE and closed, and the property identified  
3 in paragraph 2 shall be returned to Claimant within 60 days of entry of the Order.  
4

5  
6                               Respectfully submitted,  
7                               NICHOLAS W. BROWN  
8                               United States Attorney

9       DATED: January 4, 2023

10                               s/Krista K. Bush  
11                               KRISTA K. BUSH  
12                               Assistant United States Attorney  
13                               700 Stewart Street, Suite 5220  
14                               Seattle, WA 98101  
15                               Telephone: (206) 553-2242  
16                               Krista.Bush@usdoj.gov

17       DATED: January 4, 2023

18                               s/Jeffrey L. Kradel  
19                               JEFFREY L. KRADEL \*  
20                               Kradel Defense PLLC  
21                               Attorney for Claimant  
22                               Cesar Clemente  
23                               1001 4th Avenue, Suite 4050  
24                               Seattle, WA 98154  
25                               Telephone: (206) 397-3102  
26                               jeff@kradeldefense.com  
27                               \* *Permission to e-sign and e-file obtained*  
                                  *via email on January 4, 2023*

28       DATED: January 4, 2023

29                               s/Cesar Clement  
30                               CESAR CLEMENTE  
31                               Claimant  
32                               \* *Permission to e-sign and e-file obtained*  
33                               *via email on January 4, 2023*

**ORDER**

The foregoing Settlement Agreement is hereby approved under the terms and conditions set forth above.

The following property seized from Claimant's residence at 12120 SE 186th Street, Renton, Washington on April 7, 2021, is FORFEITED to the United States:

a. \$47,697 in United States Currency, and any accrued interest.

The following property seized from Claimant's residence at 12120 SE 186th Street, Renton, Washington on April 7, 2021, shall be returned to Claimant within 60 days of entry of this Order:

a. \$20,000 in United States Currency.

Pursuant to this agreement, the Court hereby DISMISSES this action, WITH PREJUDICE.

IT IS SO ORDERED.

DATED this 6<sup>th</sup> day of December, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sends notice of the filing to all ECF participants of record.

s/Hannah G. Williams  
HANNAH G. WILLIAMS  
FSA Paralegal III, Contractor  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
(206) 553-2242  
Hannah.Williams2@usdoj.gov